

Message Text

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C O N F I D E N T I A L MADRID 3083

E.O. 11652: GDS
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SUBJECT: PUERTA DEL SOL AND CARRERO BLANCO CASES

REF: A.MADRID 7980 B. STATE 91247

SUMMARY: TORTURE ALLEGATIONS STILL SURROUNDED BY UNCERTAINTY.
TWO OF 17 PUERTA DEL SOL DETAINEES HAVE BEEN RELEASED. BOTH
PUERTO DEL SOL AND CARRERO BLANCO COURTS-MARTIALS UNLIKELY
BEFORE AUTUMN, ALTHOUGH CARRERO BLANCO COURT-MARTIAL
REPORTEDLY WILL BE HELD FIRST. END SUMMARY

1. THIS REPORT UPDATES REF A.

2. OF 17 PERSONS JAILED FOR SEPT 13, 1974 BOMBING AT
PUERTA DEL SOL, 13 WERE LISTED IN REF A. REMAINING FOUR
DETAINEES WERE THREE CLOSE RELATIVES OF MARIA LUZ FERNANDEZ
ALVAREZ, FORMER TEMPORARY LIBRARIAN AT CUBAN EMBASSY IN
MADRID (THESE INCLUDED HER MOTHER, INCARNACION ALVAREZ;
HER FATHER, CESAR FERNANDEZ; AND HER BROTHER, AMARO FERNANDEZ)
AND BASQUE PCE MEMBER, JOSE MARIA ARRUABARRENA, ALIAS
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"EL TANQUE".

3. ONLY SIGNIFICANT CHANGE IN STATUS IS THAT TWO OF 17
DETAINEES WERE RELEASED FROM JAIL IN JANUARY, I.E.,
ROSALIA LOPEZ PEDRET, MALLORCAN HOUSEWIFE; AND AMARO
FERNANDEZ, TEEN-AGE BROTHER OF MARIA LUZ FERNANDEZ ALVAREZ.

4. NO INDICATION YET WHEN PUERTA DEL SOL COURT-MARTIAL
WILL BE HELD, THOUGH DEFENSE LAWYERS NOW DOUBT IT COULD BE
HELD BEFORE AUTUMN. LAWYERS HAVE IMPRESSION GOVT IS STILL
LOOKING FOR MORE EVIDENCE WHICH TIES DETAINEES INTO BOMBING,
AND TO SUBSTANTIATE GOVT' ALLEGATIONS THEY HAD TIES TO
BOTH ETA AND PCE. IT ALSO BEGINS APPEAR INCREASINGLY
UNLIKELY ANY OF 15 REMAINING DETAINEES WILL BE RELEASED
PRIOR TO TRIAL. ALSO, RECENT MOTIONS OF DEFENSE LAWYERS
AGAINST PLACING CASE UNDER MILITARY JURISDICTION HAVE BEEN
DENIED.

5. ALLEGATIONS OF TORTURE STILL ABOUND BUT REPORTEDLY
CANNOT YET BE DEFINITELY PROVEN. SOME DEFENSE LAWYERS INSIST
THEIR CLIENTS HAVE BEEN TORTURED, SUCH AS THOSE DEFENDING
MARIA LUZ FERNANDEZ ALVAREZ AND GENOVEVA FOREST, WHILE OTHER
DEFENSE LAWYERS SAY THEY HAVE NO EVIDENCE THEIR OWN CLIENTS
WERE TORTURED. ALL DEFENSE LAWYERS AGREE THERE WAS WHAT
MIGHT BE DESCRIBED AS MENTAL PRESSURES AND MALTREATMENT,
INCLUDING SUBSTANTIAL INITIAL DETENTION IN SOLITARY
CONFINEMENT WITHOUT ACCESS TO THEIR LAWYERS, AND
THREATS AND INTIMIDATION DURING POLICE INTERROGATIONS.
LENGTHIEST INSTANCE OF SOLITARY CONFINEMENT REPORTEDLY WAS CASE
OF MARIA LUZ FERNANDEZ ALVAREA, WHO IS SAID TO HAVE BEEN
HELD 110 DAYS INCOMMUNICADO BEFORE SHE WAS FINALLY ALLOWED TO
SPEAK TO HER LAWYER IN MID-JANUARY. HER LAWYER HAS TOLD LABATT
THAT WHEN HE FINALLY WAS ABLE TO SPEAK TO HER, HE SAW RED
MARKS ON HER FACE AND ARMS AND EVIDENCE SHE HAD HAD PART
OF HER HAIR PULLED OUT DURING CONFINEMENT, WHICH,
COMBINED WITH HER OWN STATEMENT TO HIM, CONVINCED HIM SHE
WAS TORTURED BY POLICE. ON OTHER HAND, DEFENSE LAWYER OF
FEMINIST LYDIA FALCON, WHO WAS ABLE TO SEE HIS CLIENT AFTER
SHE HAD BEEN HELD FOR NEARLY A MONTH INCOMMUNICADO, TOLD
LABATT HE HAD NOT SEEN ANY EVIDENCE OF TORTURE ON HIS
CLIENT AND DID NOT BELIEVE SHE HAD BEEN TORTURED, ALTHOUGH
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SHE CERTAINLY HAD BEEN SUBJECT TO REPEATED THREATS AND
INTIMIDATION AND AT ONE STAGE HAD BEEN DENIED NEEDED
MEDICAL TREATMENT.

6. MOST INTRIGUING IS CASE OF KEY DETAINEE GENOVEVA FOREST,
PHYSICIAN AND ESTRANGED WIFE OF PLAYWRIGHT ALFONSO
SASTRE, WHO ALSO AMONG DETAINEES. IT WAS FOREST WHO
WROTE FAMOUS LETTER CITING EXTENSIVE ALLEGED INCIDENTS OF

TORTURE IN HER CASE (REF A), WHICH LETTER HELPED FOCUS INT'L ATTENTION ON CASE. SEVERAL DEFENSE LAWYERS, HOWEVER, HAVE RECENTLY TOLD LABATT THEY ARE CONVINCED FOREST LIED CONSIDERABLY IN THIS FAMOUS LETTER OR, AT MINIMUM, GREATLY EXAGGERATED. THEY HOLD IT QUITE POSSIBLE FOREST MAY NOT HAVE BEEN TORTURED, AND MAY HAVE FABRICATED SOME, IF NOT ALL, THESE ALLEGATIONS. THEY CLAIM FOREST IS A NEUROTIC, AND MAY BE A PARTIAL MENTAL CASE. THEY ALSO BELIEVE IT WAS FOREST WHO GAVE POLICE NAMES OF SEVERAL OTHER DETAINEES, MOST OF WHOM HAPPENED TO HAVE BEEN PERSONAL FRIENDS OR PREVIOUS ACQUAINTANCES OF FOREST WHOM THESE LAWYERS BELIEVE WERE NOT INVOLVED IN PUERTA DEL SOL CASE. FURTHERMORE, FOREST IS SAID TO HATE HER ESTRANGED HUSBAND, AND THESE LAWYERS BELIEVE FOREST OUT OF PERSONAL VINDICTIVENESS IMPLICATED SASTRE AND OTHER PROBABLY INNOCENT PERSONS BY GREATLY EXAGGERATING AND LYING TO POLICE. THIS VERSION WAS ALSO PARTIALLY SUPPORTED BY INQUIRIES MADE BY LEGATT OF SPANISH DGS, IN WHICH POLICE THEMSELVES INDICATED THEY FELT FOREST WAS A MASOCHIST AND MENTAL CASE WITH A MARTYR COMPLEX. THIS APPARENT NEUROTIC BEHAVIOR OF FOREST, ONE OF FEW THINGS UPON WHICH BOTH DEFENSE LAWYERS AND POLICE AGREE, CASTS DOUBTS UPON CREDIBILITY OF HER ALLEGATIONS RE TORTURE.

7. TWO DETAINEES WHO APPEAR MOST LIKELY TO HAVE BEEN IMPLICATED IN PROVIDING LOGISTIC SUPPORT FOR PUERTA DEL SOL BOMBING ARE GENOVEVA FOREST AND ANTONIO DURAN. FOREST AND DURAN ARE ALSO ONLY ONES FORMALLY CHARGED WITH COMPLICITY IN DECEMBER 1973 CARRERO BLANCO ASSASSINATION, IN WHICH GOVT CLAIMS HIDING PLACES BUILT BY DURAN IN FOREST'S AND OTHER APARTMENTS WERE UTILIZED BY ALLEGED ETA ASSASSINATION TEAM. PROSPECTS ARE THAT CARRERO BLANCO ASSASSINATION COURT-MARTIAL WILL PROBABLY BE HELD BEFORE THAT OF PUERTA DEL SOL BOMBING. LAWYERS BELIEVE IT INCREASINGLY LIKELY GOVT

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PROSECUTORS WILL SEEK DEATH PENALTY FOR FOREST AND DURAN FOR THEIR INVOLVEMENT IN CARRERO ASSASSINATION AND THAT MILITARY COURT LIKELY TO ACCEDE. TWO MONTHS AGO CARRERO BLANCO COURT-MARTIAL WAS IN FACT CONVOKED, ALTHOUGH ONLY TWO ACCUSED IN CASE WHO WERE IN POLICE CUSTODY HERE FOREST AND DURAN WITH HALF DOZEN BASQUE ETA MILITANTS MOST OF WHOM WERE REPORTEDLY IN FRANCE ALSO INDICTED IN ABSENTIA. GOVT, HOWEVER, SUBSEQUENTLY POSTPONED COURT MARTIAL BECAUSE IT CLAIMED IT WAS COLLECTING ADDITIONAL EVIDENCE. CONSENSUS NOW IS THAT CARRERO ASSASSINATION COURT-MARTIAL WILL NOT BE HELD, HOWEVER, BEFORE AUTUMN.

8. NEW DEVELOPMENT IN CARRERO BLANCO CASE WAS RECENT APRIL 24 CAPTURE IN SAN SEBASTIAN SHOOTOUT OF JUAN MIGUEL GOIBURU, ONE OF ALLEGED ETA ASSASSINS WHO WAS THOUGHT

TO BE IN FRANCE. POSSESSION BY GOVT OF ONE OF ACTUAL
BASQUE ETA ALLEGED ASSASSINS MAY LEAD POLICE TO NEW DETENTIONS
AND TO FURTHER ENLIGHTENMENT RE CARRERO ASSASSINATION;
INVOLVEMENT OF FOREST AND DURAN; POSSIBLE TIE-IN TO
PUERTA DEL SOL BOMBING; AND GOVT ALLEGATIONS OF ETA AND PCE
INVOLVEMENT AND COLLABORATION IN BOTH CASES.

9. TO DATE GOVT IS STILL HOLDING DETAILS THESE CASES VERY
CLOSELY. GOVT HAS ALSO BEEN VERY SENSITIVE TO FOREIGN
ACCUSATIONS OF TORTURE AND MALTREATMENT. SOME MONTHS
AGO LEGATT MADE INFORMAL INQUIRIES AND RECEIVED VEHEMENT
DENIALS FROM DGS RE ALLEGATIONS OF TORTURE. A GUARDIA
CIVIL OFFICER OFFERED ALLOW EMBOFF SEE FOREST AND OTHERS IN
PRISON, AN OFFER WHICH EMBASSY DECLINED. GOVT OFFICIAL
ALSO RECENTLY INSISTED TO EMBOFF THAT, DESPITE WHAT INT'L
PRESS SAYS, GOVT HAS PROOF OF CONNECTION BETWEEN ALL THOSE
DETAINED, ETA, AND PCE IN BOTH PUERTA DEL SOL BOMBING AND
CARRERO BLANCO ASSASSINATION. ALSO DIRECTOR GENERAL OF
PENAL INSTITUTIONS TOLD EMBOFF ALL PRISONERS CONNECTED WITH
THESE CASES ARE IN GOOD CONDITION AND ARE BEING HELD AT
CARABANCHEL AND MADRID'S WOMEN'S PRISON WITH ALL AMENITIES
AND PRIVILEGES GIVEN OTHER PRISONERS, INCLUDING VISITING
RIGHTS WITH FAMILIES, FRIENDS AND ATTORNEYS AND ACCESS TO
CORRESPONDENCE AND READING MATERIAL, WHICH
ROUTINELY CENSORED BY PRISON OFFICIALS.

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